

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE ENROLLED ACT No. 2002

AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 36-9-3-12.5, AS AMENDED BY P.L.14-2000, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12.5. (a) This section applies only to an authority located in a county with a population of more than four hundred thousand (400,000) with members appointed under section 5(c) of this chapter.

(b) The board shall establish a citizens advisory council consisting of ~~eleven (11)~~ **thirteen (13)** members appointed as follows:

(1) Three (3) members appointed by the executive of a municipality with a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(2) Two (2) members appointed by the executive of a municipality with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(3) One (1) member appointed **jointly** by the executive of a ~~municipality~~ **the following municipalities**:



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(A) A city with a population of more than thirty-three thousand eight hundred fifty (33,850) but less than thirty-three thousand nine hundred (33,900) ~~and~~ located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

**(B) A city with a population of more than five thousand one hundred fifty (5,150) but less than five thousand two hundred (5,200) located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).**

(4) One (1) member selected from a list of citizens submitted by community based organizations which advocate for public transportation by the fiscal body of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(5) One (1) member selected from a list of citizens submitted by community based organizations which advocate for public transportation by the county executive of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(6) One (1) member who is jointly appointed by the following individuals or entities representing municipalities that are located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a municipality having a population of more than twenty-one thousand five hundred (21,500) but less than twenty-three thousand (23,000).

(B) The executive of a municipality having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand five hundred (14,500).

(C) The fiscal body of a municipality having a population of more than one thousand five hundred (1,500) but less than two thousand five hundred (2,500).

(7) One (1) member who is jointly appointed by the following:

(A) The executive of a municipality with a population of more than seventeen thousand seven hundred (17,700) but less than seventeen thousand seven hundred fifty (17,750) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(B) The fiscal body of a town with a population of more than

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eight thousand eight hundred (8,800) but less than nine thousand five hundred (9,500) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(C) The fiscal body of a town with a population of more than six thousand four hundred (6,400) but less than seven thousand (7,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(D) The fiscal body of a town with a population of more than three hundred (300) but less than four hundred (400) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(E) The fiscal body of a town with a population of more than five hundred (500) but less than one thousand (1,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(8) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A municipality with a population of more than seventeen thousand eight hundred (17,800) but less than eighteen thousand (18,000).

(B) A municipality with a population of more than twenty-three thousand five hundred (23,500) but less than twenty-four thousand (24,000).

(C) A municipality with a population of more than nineteen thousand nine hundred forty (19,940) but less than twenty thousand (20,000).

**(9) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):**

**(A) A town having a population of more than twenty thousand (20,000) but less than twenty-one thousand (21,000).**

**(B) A town having a population of more than ten thousand (10,000) but less than eleven thousand (11,000).**

**(C) A town having a population of more than four**

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thousand five hundred (4,500) but less than five thousand (5,000).

(10) One (1) member appointed by the fiscal body of a municipality having a population of more than twenty-seven thousand (27,000) but less than twenty-eight thousand (28,000) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(c) A member of a citizens advisory council:

(1) must live in the geographic area represented by the appointing authority;

(2) may not be:

(A) an elected official; or

(B) a public employee of the appointing authority;

(3) may serve a two (2) year term; and

(4) may be reappointed to multiple terms.

(d) The citizens advisory council shall:

(1) meet at least once every six (6) months;

(2) review and make recommendations to the board on:

(A) the authority plan;

(B) the proposed route and time schedule changes of the regional transportation system;

(C) the authority budget; and

(D) the hiring of the authority director;

(3) be responsible for assuring direct citizen input into the authority plan; and

(4) refer all complaints and concerns of citizens to the appropriate person or committee within the authority.

SECTION 2. IC 36-9-3-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 29. The board shall prepare an annual budget for the authority's operating and maintenance expenditures and necessary capital expenditures. Each annual budget is subject to review and modification by the:

**(1) fiscal body of the county or municipality that establishes the authority; and**

**(2) county board of tax adjustment and the state board of tax commissioners under IC 6-1.1-17.**

SECTION 3. IC 36-9-3-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 30. **(a)** The county or municipality that establishes the authority shall pay the expenses incurred in the organization of the authority; **however, the amount of expenses paid may not exceed the amount for authority expenses**

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**set by the fiscal body of the establishing county or municipality.**

**(b)** If two (2) or more counties or municipalities cooperate to establish the authority, the division of the costs incurred in the organization must be included in the agreement entered into by the counties or municipalities.

**(c)** The board shall, from time to time, certify the items of expense to the county auditor, according to the terms of the agreement.

**(d)** The authority shall fully reimburse each county or municipality out of the first proceeds of any special taxes levied for the purpose of this chapter.

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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**HEA 2002 — Concur+**

